**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.18325 OF 2006**

**ORDER:**

This writ petition is filed seeking a declaration that the proceedings of the respondent-Regional Passport Officer, Secunderabad, dated 1.8.2006 are arbitrary and illegal.

The facts, in brief, are as under:

The petitioner was issued a passport, dated 9.11.1995. However, her place of birth as well as the date of birth were wrongly entered in the said passport. Since, the said passport was valid only up to 8.1.2005, while making an application, dated 25.11.2005 for grant of a fresh passport, the petitioner sought for necessary corrections. In response to the same, the respondent called upon the petitioner to furnish a declaratory order from the civil Court. Aggrieved by the same, the petitioner filed W.P.No.5528 of 2006. After hearing both the parties, the said writ petition was disposed of with a direction to the respondent to consider the petitioner's request for corrections in the passport in terms of the Circular dated 18.4.2001 issued by the Ministry of External Affairs, Union of India, as explained by this Court in **Ali Imran v. Regional Passport Officer**[1]. Pursuant thereto, the respondent has passed an order dated 1.8.2006, as under:

> " I am to refer to the writ petition No.5528 of 2006 filed by you against this office for correction of place of birth in your passport. After perusing the Hon'ble High Court's Orders, this office had issued a letter to you through our computer asking you to furnish Declaratory Decree from civil court as we found it is not a technical correction...."

The said order is under challenge in this writ petition.

I have heard the learned counsel for both the parties and perused the material on record.

Though no counter-affidavit is filed, Sri C.V. Bhaskar Reddy, learned counsel, who accepted notice on behalf of the respondent,

appeared before this Court and opposed the relief sought in the writ petition.

In the impugned order, the respondent held that the corrections sought to be made in the Passport are not technical corrections and, therefore, a declaratory decree from the Civil Court is necessary.

For proper appreciation, the Circular dated 18.4.2001 issued by the Government of India, Ministry of External Affairs, with regard to the correction of the entries in the passport, may be extracted hereunder:

> (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
>
> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
>
> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

On a perusal of the above Circular, it is clear that an order from a competent Court certifying the valid date of birth/place of birth is required only where Clause (c) of the Circular is attracted. Clause (c), extracted above, provides for a situation where the initial entry was made on the basis of a supportive document issued by one competent authority and the correction of the entry is requested by the applicant subsequently on the basis of a certificate issued by another competent authority resulting in conflicting sources of valid proof.

In the case on hand, the corrections sought to be made are supported by four authenticate certificates issued by the competent authorities, which are as under:

"a) Municipal Birth Certificate dated 15.1.1986;

b) School Leaving Certificate dated 28.2.1990, issued by Girton High School, Grant road, Bombay.
c) VII Class Certificate dated 5.6.1998; and
d) 10th Class Certificate dated 30.4.2001."

The specific plea of the petitioner that the initial entries in her passport were not supported by documents issued by a competent authority was neither contradicted by the respondent, nor any other material is placed before this Court to show that the documents produced by the petitioner were emanated from conflicting sources. Except observing that it is not a technical correction, even in the impugned order nothing has been mentioned that the supportive documents produced by the petitioner cannot be relied upon since they emanated from different source.

Having regard to the facts and circumstances of the case, I am unable to hold that Clause (c) of the Circular dated 18.4.2001 is attracted warranting production of a declaratory decree from the Civil Court. The impugned order appears to have been passed mechanically without proper appreciation of the material produced.

Accordingly, the impugned order is set aside and the writ petition is allowed with a direction to the respondent to consider the application of the petitioner for fresh passport, without insisting on any declaratory decree from the civil Court, on the basis of the supportive documents produced by the petitioner. Such exercise shall be completed as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

19.12.2006.

Kgr

Note:- CC in 3 days.

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.18325 OF 2006**

19th December, 2006.

Between:

Ms. Nainaz Jehangir Darabhana. .. Petitioner.

And

The Regional Passport Officer,
Station Road, Secunderabad. .. Respondent.

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[1] 2003(3) ALD 625.